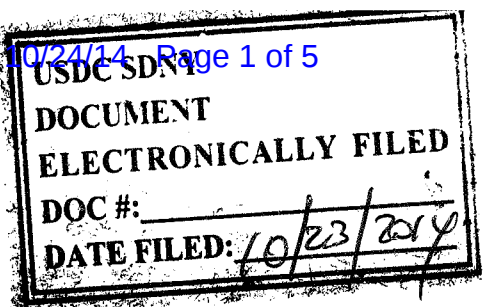


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKCAPITAL ONE, NA.

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

12 Civ. 3366 LGS

- against -

48-52 FRANKLIN LLC et al

NOTICE OF MOTION

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

PLEASE TAKE NOTICE that upon the annexed affirmation of Adam Plotch

(name)

affirmed on October 23, 2014, and upon the ~~exhibits attached thereto~~ (delete if no
(date)~~exhibits), the accompanying Memorandum of Law in support of this motion~~ (delete if there is no~~Memorandum of Law), and the pleadings herein, plaintiff/defendant will move this Court, before~~Judge Schofield

(Judge's name)

(circle one)

, United States District/Magistrate Judge, for an order

(circle one)

pursuant to Rule _____ of the Federal Rules of Civil Procedure granting (state what you want the

Judge to order): leave to intervene, in the alternative permission to file
the annexed Order to Show Cause without intervention.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY

(city)

Oct

(month)

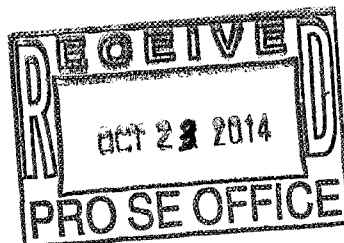
23

(day)

(state)

2014

(year)

Signature [Signature]Address 95 W 95 ST NYC, 10025Telephone Number 646-842-0071Fax Number (if you have one) 866-306-6158

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITAL ONE NA.

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

12 Civ. 3366 (SS)

- against -

48-52 FRANKLIN LLC et al.

**AFFIRMATION IN
SUPPORT OF MOTION**

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Adam Plotch, affirm under penalty of perjury that:

1. I, Adam Plotch, am the proposed intervenor ~~plaintiff/defendant~~ in the above entitled action,

and respectfully move this Court to issue an order granting leave to intervene.
(state what you want the Judge to order)

2. The reason why I am entitled to the relief I seek is the following (state all your reasons

using additional paragraphs and sheets of paper as necessary): I attended and bid at a foreclosure

sale held in accordance with a final judgment of foreclosure and sale issued
in this action. As more fully set forth in the annexed Order to Show Cause,
the sale was not conducted in accordance with the provisions of the final judgment and applicable statutes.
The matter is highly time-sensitive.

WHEREFORE, I respectfully request that the Court grant this motion, as well as such
other and further relief as may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY
(city) (state)
October 23, 2014
(month) (day) (year)

Signature [Signature]
Address 95 W 95 St

Telephone Number 212-787-4885
Fax Number (if you have one) 866-306-6158

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITAL ONE NATIONAL ASSOCIATION,

Plaintiff,

12 Civ. 3366 (LGS)

- against -

48-52 FRANKLIN LLC, MARSHALL
WEISMAN, THE NEW YORK CITY BUREAU
OF HIGHWAY OPERATIONS, CREATIVE
HABITATS, INC., and CM & ASSOCIATES
CONSTRUCTION

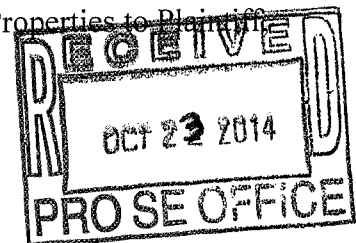
**ORDER TO SHOW CAUSE
FOR PRELIMINARY
INJUNCTION AND
TEMPORARY
RESTRAINING ORDER**

Defendants.

Upon the declaration of Adam Plotch, declared on the ____ day of ____, 2014,
and upon a copy of the complaint hereto annexed, and upon the exhibits annexed hereto,
it is

ORDERED that the above named plaintiff and/or defendant(s) show cause before
a motion term of this Court, at Room ____, United States Courthouse, 500 Pearl Street, in
the City, County and State of New York, on ____ at ____ o'clock in the
____ noon thereof, or as soon thereafter as counsel may be heard, why an order should
not be issued vacating and annulling the foreclosure sale held on October 22, 2014,
conducted pursuant to a Final Judgment of Foreclosure issued in this action on May 7,
2014, whereat Plaintiff tendered the winning bid, in the total sum of \$2,000, for nine
separate parcels of real property in the County, City and State of New York, to wit, the
condominium units known as and located at 50 Franklin St., units 1A, 3D, P1, P4, P6, P7,
P8, P9, P10, New York, NY (Block: 172, Lots: 1401, 1410, 1545, 1548, 1550, 1551,
1552, 1553 and 1554 (the "Properties")); and it is further

ORDERED that, sufficient reason having been shown therefor, pending the
hearing of non-party Adam Plotch's application for a preliminary injunction, pursuant to
Rule 65, Fed R. Civ. P, the Court-appointed Referee in this action, Joel Abramson, Esq.,
is temporarily restrained and enjoined from conveying title to the Properties to Plaintiff,
its heirs, successors, and assigns; and it is further



ORDERED that non-party movant Adam Plotch is not required to post a bond or other security; and it is further

ORDERED that personal service of a copy of this order and annexed papers upon which it is based upon the Plaintiff, the Referee, and any parties who have appeared in this action, by hand delivery or overnight delivery shall be deemed good and sufficient service therefore.

DATED:

ISSUED:

United States District Judge



United States District Court
Southern District of New York
Pro Se Intake Unit

To: Hon. Lorna G. Schofield
From: S. Coretto, Pro Se Intake Clerk, Docket Services, Ext. 1177
Date: October 23, 2014
Re: Capital One, National Association v. 48-52 Franklin, LLC et al, 12-CV-3366

The attached document, which was received by the Pro Se Intake Unit on October 23, 2014, has been submitted to the Court for filing. The document is deficient as indicated below. Instead of docketing the document for public access, it has been docketed as a court-view only docket entry. I am forwarding it to you for your consideration. *See* Fed. R. Civ. P. 5(d)(2)(B), (4).

- ☐ No original signature.
- ☐ No Affirmation of Service/ proof of service.
- ☒ Other: Non-Party Movant seeks to intervene. Mr. Plotch submits an Order to Show Cause for Preliminary Injunction and TRO. Please direct whether to docket or return documents to party.

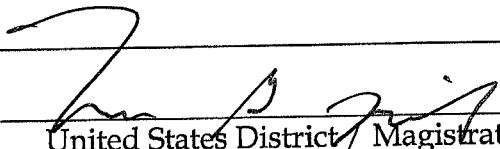
If you memo-endorse the filing, you do not need to return this memorandum to the Pro Se Intake Unit. Once your memo-endorsement is docketed and filed, all ECF users on the case will be notified.

In the alternative, please return this memorandum with the attached papers to this Unit, indicating at the bottom what action should be taken.

- ☒ **ACCEPT FOR FILING**
- ☐ **RETURN TO PRO SE LITIGANT**

Comments:	The Pro Se Intake Unit is directed to file the attached Declaration and Exhibits
	A-D in Support of the Order to Show Cause (Dkt. No. 89). The Court deems the attached
	Notice of Motion as a Motion to Intervene or in the alternative permission to file the an Order to
	Show Cause without intervention. The Pro Se Intake Unit is directed to rescan this motion
	and upload it as the PDF for docket number 90.

Dated: October 28, 2014


 United States District Magistrate Judge